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General Assembly
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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 16 April 2009 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Tensions continue to escalate in the Occupied Palestinian Territory, including East Jerusalem, as a result of ongoing, destructive and provocative policies and actions by Israel, the occupying Power, in particular in relation to its unlawful campaign of colonization.

In this regard, the rising and unprecedented levels of Israeli aggression towards Occupied East Jerusalem require urgent attention for such actions by the occupying Power and its settlers in the Palestinian Territory are seriously inflaming tensions and threaten combustion of the already fragile, precarious situation on the ground. If such illegal actions and provocations remain unaddressed, the consequences at the political and security levels will surely be grave. Not only do such actions have the high potential to incite violence between the two sides, but, as we have repeatedly cautioned, every single such action further threatens the prospects for actually and physically achieving the two-State solution for peace.

Occupied East Jerusalem in specific faces grave danger as Israel continues its rabid pursuit of colonization in and around the city, isolation of the city from the rest of the Occupied Palestinian Territory and the undermining of the city's indigenous demographic composition and historical and cultural heritage. In addition to the thousands of Palestinian homes already illegally destroyed by the occupying Power, thousands more Palestinians face the threat of eviction or home demolition in East Jerusalem and Palestinian institutions remain shuttered, while at the same time the illegal Israeli settlements and settler population continue to expand at unprecedented rates. Moreover, the occupying Power's illegal policies and practices in the city serve only to embolden and encourage the aggression, provocations and acts of terror that continue to be perpetrated by Israeli settlers in and around the city, against the population as well as against historical and religious sites.

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This is our fourth letter in the span of a month regarding these Israeli policies, which continue to be carried out in flagrant disrespect for and violation of the relevant United Nations resolutions and Israel's very clear obligations as an occupying Power in accordance with international law, including international humanitarian law. Indeed, the urgency of this matter and the gravity of the possible consequences if this situation continues to escalate cannot be understated.

In follow-up to previous letters on this matter, I thus wish to draw your attention to recent disturbing and provocative actions. On 12 April, the occupying Power allowed at least 50 extremist settlers to enter Al-Aqsa Mosque compound, also known as Al-Haram Al-Sharif (Noble Sanctuary). As with past such incidents, this aggressive act has the potential to seriously ignite the sensitivities not only of Palestinians but also of Arabs and Muslims around the world and to exacerbate an already volatile situation.

This was preceded by another provocative action, on 6 April, in which the Antiquities Authority of the occupying Power seized a huge stone from Al-Emara Palace, one of the Umayyad palaces, located in the external south-eastern wall of Al-Aqsa Mosque, one of the most important antiquity sites in Jerusalem. The stolen stone was then taken and placed in front of the Israeli Knesset building. In this connection, it has been recently reported that several other pieces from the historic Umayyad palaces have also been looted by the occupying Power. These recent events come in addition to decades of looting of Arab and Muslim historical monuments in Jerusalem by the occupying Power, indicative of its blatant disregard for the city's historical and archaeological status as a site of the heritage of mankind protected under international law.

At the same time, Israel continues waging its not-so-silent campaign of depopulating Palestinian neighbourhoods in East Jerusalem, targeting in particular Silwan, Sheikh Jarrah and Shu'fat refugee camp. At this time, 51 residents of the Sheikh Jarrah neighbourhood face imminent eviction from their homes. These residents live in two housing units belonging to the Al-Ghawe and Hanun families, whose legal efforts to avert this tragedy have regrettably failed. Their fate is shared by dozens of other Palestinian families, including the Al-Kurd family, who were evicted from their home in the middle of the night in November 2008, despite having ownership papers dating back decades, and who continue to fight this injustice to this day.

In another such recent incident, seven brothers, their wives and children from Al-Silwadi family living in a multi-story building in Silwan, received an order from the occupying Power to evacuate their home and the dunum of land around it in order to turn the property over to an extremist group of Israeli rabbis. This area is less than a kilometre away from Al-Bustan neighbourhood in East Jerusalem, where, as indicated in a previous letter, Israel has declared that 88 homes of 1,500 Palestinians are slated for demolition. Even refugees in East Jerusalem are not spared from this cruel campaign as the occupying Power issued, on 3 March 2009, another 55 demolition orders against Palestinian homes, specifically targeting dwellings located in Shu'fat refugee camp.

Regrettably, the above-mentioned incidents by no means constitute a new phenomenon. Since 1967, Israel, the occupying Power, has expropriated thousands upon thousands of dunums of Palestinian land in Occupied East Jerusalem. The occupying Power has done so by invoking the so-called "Basic Law on Jerusalem"

of 30 July 1980, by which it has perpetually tried to advance its efforts to illegally annex the city in contravention of international law and United Nations resolutions. In this regard, it is imperative to recall that the Security Council specifically condemned this egregious violation of international law, including the Fourth Geneva Convention, in its resolution 478 (1980), which, inter alia, reaffirms that "all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and, in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith".

Unfortunately, the international community has fallen short of taking any effective action to stop the illegal actions of successive Israeli governments in this regard, allowing for the continued undermining of the city's status and its residents and of the prospects for peace, to which the fate of Jerusalem is central. Accordingly, we are compelled to stress once again the high urgency of this matter and to reiterate the need for concerted action in accordance with international law by the international community, including, in particular, the Security Council, to put an end to these illegal Israeli actions that are gravely and may irrevocably be damaging the prospects for achieving the two-State solution and making peace a reality.

The present letter is in follow-up to our previous 337 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 8 April 2009 (A/ES-10/452-S/2009/194), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer

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Security Council

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30 April 2009

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-fourth year

Identical letters dated 30 April 2009 from the Chargé d'affaires a.i. of the Permanent Observer Mission of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

As the peace process remains suspended, the situation in the Occupied Palestinian Territory continues to deteriorate, with mounting hardship and suffering for the Palestinian civilian population as a result of the oppressive, illegal policies and practices of Israel, the occupying Power. This has included Israel's acceleration of illegal and provocative colonization measures aimed solely at creating even more facts on the ground, at intensifying pressure on the Palestinian population, leading in many cases to the forced displacement of inhabitants for sheer survival, and at solidifying its control over the Palestinian territory. Such illegal Israeli practices have been especially concentrated in key areas in and around Occupied East Jerusalem.

Since the Annapolis Conference of November 2007, Israel's illegal settlement activities have markedly escalated, making the past 17 months the worst recorded in terms of the occupying Power's flagrant and systematic violation of the relevant provisions of international law, particularly the Fourth Geneva Convention, and relevant United Nations resolutions on this critical matter. Egregious violations continue apace as the new Israeli Government has publicly declared its support for and is actively pursuing advancement of settlement activities in the Occupied Palestinian Territory. In this connection, the occupying Power continues to pursue measures such as the so-called "E-1 plan" involving massive settlement construction and expansion and home demolitions — with at least 1,100 demolition orders served against Palestinian-owned buildings in Occupied East Jerusalem since the beginning of this year — clearly aimed at de-populating East Jerusalem of its indigenous Palestinian inhabitants while at the same time promoting the Judaization of the City.

Most recently, on 26 April 2009, the occupying Power approved the illegal confiscation of 12,000 dunums of Palestinian land to facilitate the construction of 6,000 new housing units in the illegal Israeli settlement of "Maale Adumim".

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Already comprising at least 1 per cent of West Bank land, "Maale Adumim" constitutes the second largest Israeli settlement and creates a "belt" around East Jerusalem, severing it from its natural Palestinian environs. This latest land confiscation is part of the "E-1 plan", which aims at entrenching and finalizing the eastern front of Israel's settlement in and around East Jerusalem and the complete isolation of the city from the rest of the West Bank.

As we have repeatedly done in the past, we once again vociferously caution against the real dangers that the continued pursuit of this unlawful plan poses for the two-State solution for peace. This plan is currently at the core of Israel's illegal colonization campaign, involving, inter alia, the settlements, the Wall, the bypass roads, home demolitions and numerous other measures, which has deliberately and illegally sought to alter the demographic composition, character and status of the Palestinian Territory, particularly East Jerusalem, has seriously undermined the Territory's contiguity, integrity, unity and viability, and represents a grave threat to realization of the two-State solution.

Alarmingly, it is not only this plan that Israel, the occupying Power, continues to recklessly pursue. Countless other illegal settlement activities and measures also continue to be carried out throughout the Occupied Palestinian Territory, which are destroying the land, heightening tensions, instability and frustrations, destroying Palestinian socio-economic life, and gravely jeopardizing the prospects for peace. Announcements about settlement expansion and the construction of hundreds upon hundreds of new units as well as more land confiscations are regularly declared under various pretexts and guises in blatant defiance of international law, United Nations resolutions and Israel's own obligations under the Road Map and other commitments made.

Settler lawlessness has also escalated, facilitated and fomented by the occupying Power, which is responsible for the presence and arming of the settlers and allows their repeated and escalating acts of terror, destruction and intimidation against the Palestinian people to go unpunished. Indeed, the new Israeli Government's openly hostile policies towards Palestinian rights, property and aspirations have only further emboldened the hostility and fanaticism of the settler population towards the Palestinian people. The most recent such incident, on 27 April 2009, involved the shooting and serious injury of 18-year-old Mohammad Naim Faraj by armed Israeli settlers from the illegal settlement of "Yitzhar" near Nablus as Israeli soldiers looked on.

Israel's continuation of such illegal policies and practices, in addition to its continuing illegal and inhumane blockade of the Gaza Strip and the immeasurable suffering and trauma it is inflicting on the 1.5 million civilians imprisoned there, constitutes yet further irrefutable evidence of the occupying Power's abject disregard for international law, including humanitarian and human rights law, as well as its rejection of the legitimate, inalienable and internationally recognized rights of the Palestinian people to self-determination and freedom in their homeland. Such destructive policies and practices are also in direct violation of Israel's clear legal obligations as an occupying Power as well as under relevant Security Council resolutions.

The current situation is untenable and tensions continue to rise. If left unchecked, such illegal Israeli actions will deal a severe, if not fatal, blow to the prospects for peace on the basis of the two-State solution and will further destabilize

the region as they challenge the morals and principles of the international community as a whole, not just the Palestinian nation. The Palestinian people and their leadership thus continue to look to the international community, including the Security Council, to uphold their responsibilities and obligations in this regard and to take urgent action to bring an end to this unlawful situation, ultimately aimed at bringing an end to this belligerent, nearly 42-ye... military occupation and allowing the independent State of Palestine, with East Jerusalem as its capital, to take its rightful place and live in peace and security among the community of nations.

The present letter is in follow-up to our previous 178 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. Those letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 16 April 2009 (A/ES-10/453-S/2009/209), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of those war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Fayiz **Abdelhady-Nasser**
Chargé d'affaires a.i.

United Nations A/ES-10/455

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General Assembly
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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 30 April 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution ES-10/17 of 15 December 2006 concerning the establishment of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. In accordance with the provisions of paragraph 6 (h) of the resolution, I have the honour to transmit herewith a progress report from the Board of the United Nations Register of Damage (see annex).

I should be grateful if you would bring the attached report to the attention of the members of the General Assembly.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 9 April 2009 from the members of the Board of the United Nations Register of Damage addressed to the Secretary-General

We have the honour to render herewith a progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of resolution ES-10/17 (see enclosure).

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Enclosure

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

9 April 2009

The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory renders this progress report in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17.

Following the appointment of the three-member Board in May 2007 and of the Executive Director in January 2008, the Office of the Register of Damage, established at the site of the United Nations Office at Vienna, has been fully operational since June 2008 with a small team of 18 substantive and technical staff.

Guided by provisions of General Assembly resolution ES-10/17, relevant findings of the International Court of Justice's advisory opinion rendered on 9 July 2004 and general principles of international law and due process, the Board adopted provisional rules of procedure for claims registration and a claim form for registration of damage and began the work of collecting claim forms and considering them for inclusion in the Register.

The Executive Director of the Office of the Register visited the Occupied Palestinian Territory and held in-depth consultations with the Palestinian Authority, the Palestinian National Committee for the Register of Damage, local officials and representatives of civil society on all aspects of the implementation of the mandate of the Office. The Register has the full support and cooperation of Palestinian authorities, particularly the local mayors and councils.

The Government of Israel maintains its well known position of not cooperating with the Office of the Register and considering that any claims in relation to damage caused by the construction of the wall should be addressed through the existing Israeli mechanism. At the same time, on a practical level, the Office of the Register has not experienced any difficulties in carrying out its activities as outlined in General Assembly resolution ES-10/17.

Since the Office of the Register of Damage is located at Vienna, the main operational challenge to the implementation of its mandate was to make arrangements for conducting outreach and claim intake activities in the Occupied Palestinian Territory, including in and around East Jerusalem, in an efficient, independent and impartial manner. The Board of the Register of Damage acknowledged the need to set up a small team of locally recruited United Nations claim intakers for the collection of claim forms of Registration of Damage. Consequently, the team, which consists of a few locally recruited claim intakers and an internationally recruited project manager, was set up by the United Nations Office for Project Services in Ramallah at the request of the Office of the Register.

Following a training session in Vienna run by staff of the Office of the Register, the team commenced outreach and claim intake activities in Jenin governorate in the West Bank, which had been the earliest affected by the construction of the wall. This included dissemination of leaflets and posters, meetings with local officials and potential claimants and technical assistance in

filling in the claim forms for registration of damage. Since the collection of claims commenced at the end of November 2008, more than 1,000 claim forms have been collected and delivered to the Office of the Register at Vienna, as at 9 April 2009.

From 15 to 19 December 2008, the Board met at Vienna and reviewed the first 30 claim forms, which had been translated from Arabic into English, processed through the Register's electronic database and reviewed by staff of the Office. The Board decided to include losses set out in each of those forms in the Register. This decision signified the beginning of existence of the Register of Damage.

From 6 to 9 April 2009, the Board met at Vienna and reviewed an additional 240 claim forms, which had been translated, processed and reviewed by Office staff. The Board decided to include losses set out in each of those forms in the Register except for two claim forms where none of the losses met the eligibility criteria.

The Board of the Register of Damage will continue to render periodic reports.

Members of the Board of the Register of Damage

United Nations A/ES-10/456

General Assembly

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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 19 May 2009 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

In my capacity as the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to draw your attention to the statement adopted today at the 316th meeting of the Committee on the situation in Occupied East Jerusalem (see annex).

I should appreciate it if the present letter and its annex could be circulated as a document of the tenth emergency special session of the General Assembly, under agenda item 5.

(*Signed*) Paul **Badji**
Chairman
Committee on the Exercise of the Inalienable
Rights of the Palestinian People

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Annex to the letter dated 19 May 2009 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

Statement by the Committee on the Exercise of the Inalienable Rights of the Palestinian People on the situation in Occupied East Jerusalem*

19 May 2009

The Committee on the Exercise of the Inalienable Rights of the Palestinian People expresses its utmost concern about illegal and provocative Israeli policies and measures in Occupied East Jerusalem, including the demolition of Palestinian houses, settlement construction in and around the city, Wall construction, movement restrictions and other measures that affect the legal, demographic and cultural character and status of the city.

According to the Office for the Coordination of Humanitarian Affairs, between 2000 and 2008, the Israeli authorities demolished more than 670 Palestinian-owned structures in East Jerusalem, 90 of which were demolished in 2008. These actions by the occupying Power led to the displacement of some 400 Palestinians. Currently, some 60,000 Palestinians are at risk of having their homes demolished because they were built without the required Israeli permits, which are nearly impossible for Palestinians to obtain for construction and expansion of homes in East Jerusalem. Furthermore, over one third of East Jerusalem has been expropriated throughout the Israeli occupation for the construction of settlements. These practices violate article 49 of the Fourth Geneva Convention, which states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies", and article 53 of the Convention, which prohibits the destruction of personal or State-owned property by the occupying Power, except where such destruction is rendered absolutely necessary by military operations.

Over the years, numerous resolutions on the question of Jerusalem have been adopted by the General Assembly and the Security Council. In 1968, the Security Council adopted resolution 252 (1968), in which the Council considered that "all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status". In the same resolution, the Council also called upon Israel to "rescind all such measures already taken and to desist forthwith from taking any further action which tends to change the status of Jerusalem". A similar position was expressed in subsequent Security Council resolutions.

The question of Jerusalem is a key aspect of the question of Palestine and constitutes one of the six core issues for the permanent status negotiations of the peace process. The Committee reiterates that Israel must refrain from any activities that change the legal, demographic and cultural character and status of East Jerusalem, the capital of a future Palestinian State. In this regard, Israel must scrupulously abide by its legal obligations as an occupying Power, including under the Fourth Geneva Convention. The Committee considers that an agreement

* Also circulated under the symbol A/63/861-S/2009/265.

encompassing East Jerusalem as the capital of a future Palestinian State is central for the achievement of a just and sustainable settlement of the conflict. Furthermore, the Committee feels strongly that any action purporting to alter the demographic composition, legal status or physical character of East Jerusalem is illegal, provocative and predetermines the outcome of the permanent status negotiations between the parties. The Committee also calls upon the Security Council to live up to its Charter obligations and act against the ongoing illegal actions by the occupying Power in East Jerusalem, by upholding its own resolutions that continue to be unimplemented.